

It was alleged in the libel that the article was misbranded in that the following statements, borne on the can label, were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchaser that the article was effective in the diseases and conditions named therein: "Necro-cide For Treatment of Necrotic Enteritis, Flu and Mixed Infection. How to Prepare for Treatment. Hogs to be treated should be placed in clean quarters with a plentiful supply of drinking water. During the period of treatment hogs should receive no feed except medicated oats * * * If herd is uneven, smaller or weaker hogs must be separated so that all hogs get the right amount of medicine. Pigs under treatment must be confined in dry lot and receive no feed except medicated oats. * * * Necro-Cide * * * Results of this treatment depend upon keeping the hogs filled on the medicated oats. * * * Treatment of Flu Herds Place Necro-Cide in all drinking water, mix one quart Necro-Cide to ten gallons of water. Continue medicated water until full appetite returns. Flu hogs should have all the medicated oats (prepared as directed above) and no other feed for a period of ten days, the three feeds a week to prevent reoccurrence. * * * weaning pigs should be placed on a full ten day treatment immediately after weaning, especially if premises carried infection previous season."

On August 15, 1932, a decree pro confesso was entered, finding that the allegations of the libel were admitted and that the product should be condemned. On September 19, 1932, judgment of condemnation was entered and it was ordered by the court that the product be destroyed. On September 30, 1932, an amendment to the decree was filed ordering that the defendant pay costs of the proceedings.

HENRY A. WALLACE, *Secretary of Agriculture.*

19896. Misbranding of Dickinson's Celebrated cow cleaning prescription. U. S. v. 18 Bottles of Dickinson's Celebrated Cow Cleaning Prescription. Default decree of condemnation, forfeiture, and destruction. (No. 3579-A. F. & D. No. 28546.)

Examination of the drug product involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle and carton labels.

On August 9, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 bottles of the said Dickinson's Celebrated cow cleaning prescription at Chicago, Ill., alleging that the article had been shipped in interstate commerce, August 3, 1931, by the Hoeveler Drug Co., from Waukesha, Wis., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of Epsom salt (80 percent), extract from a laxative plant drug, and sulphur.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Bottle label) "Cow Cleaning Prescription Never Known to Fail This preparation has been used with great success, and supplies a want long felt by farmers and dairymen. It is warranted to cause the cow to clean within forty-eight hours, when used as directed. The use of this preparation has the effect of restoring the vigor and strength of the cow, increasing her milking capacity, and a preventive for milk fever. * * * For milk fever give two bottles, one-half bottle every three hours, and one quart of warm water every hour until relieved;" (carton) "Cow Cleaning Prescription Never known to fail This preparation has been used with great success, and supplies a want long felt by farmers and dairymen. It is warranted to cause a cow to clean within forty-eight hours, when used as directed. The use of this preparation has the effect of restoring the vigor and strength of the cow, increasing her milking capacity, and a preventive for milk fever. * * * Farmers and Dairymen should not fail to use Dickinson's Cow Prescription, as it will often save the price of the cow in preventing that fatal disease, Milk Fever; will positively cause the cow to clean, Relieves Garget, Horn Ail and all diseases of the cow and will repay ten-fold in increasing the flow of milk. [Testimonials] 'One of my cows did not clean for

over a week after she calved, and grew poor every day, and her milk nearly failed. I thought she would die. I procured a bottle of Dickinson's Cow Prescription, on the recommendation of my neighbors, and it caused the cow to clean, and she began to gain flesh and was soon restored to her usual quantity of milk, and I can say that the medicine was worth to me one-half the price of the cow.' * * * 'I had a cow taken sick with milk fever Sunday night, November 7, 1886, and lay two days covered with blankets and by advice of my neighbors I got and gave her two bottles of Dickinson's Cow Prescription, gave one-half bottle every three hours and warm water every hour, and it cured her.' * * * 'I had a cow that did not clean for three days after calving. I procured a bottle of your Cow Prescription and gave it according to the directions, and the cow was all right in less than thirty-six hours after giving, and has done first rate since.' * * * 'I got one of my neighbors to try it on a cow that was almost dead with Milk Fever, and it cured her.'"

On September 26, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19897. Misbranding of Mrs. Dinsmore's balsam. U. S. v. 69 Bottles of Mrs. Dinsmore's Balsam. Default decree of condemnation, forfeiture, and destruction. (No. 11575-A. F. & D. No. 28637.)

Examination of the drug product involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for the article on the bottle and carton labels.

On August 10, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 69 bottles of Mrs. Dinsmore's balsam, remaining unsold in the original packages at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce, on or about March 1, 1932, by L. M. Brock & Co. (Inc.), from Lynn, Mass., to Brooklyn, N. Y., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an antimony compound such as tartar emetic, extracts of plant drugs, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent: (Bottle) "Recommended for Coughs, * * * Hoarseness, Difficulty of Breathing, Whooping Cough, * * * Huskiness of the Throat. * * * For Hoarseness;" (carton) "In cases of Coughs, Hoarseness, Huskiness of the Throat, Difficulty of Breathing, Whooping Cough."

On September 28, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19898. Misbranding of Jarabe Diurético de Coqui. U. S. v. 100 Bottles of Jarabe Diurético de Coqui. Default decree of condemnation, forfeiture, and destruction. (No. 7829-A. F. & D. No. 28565.)

Examination of the drug product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle label. The article contained alcohol which was not declared on the label, as required by law.

On August 1, 1932, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 bottles of the said Jarabe Diurético De Coqui, alleging that the article was in possession of J. M. Blanco (Inc.), San Juan, P. R., and was being sold and offered for sale in Puerto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis by this department of a sample of the article showed that it consisted essentially of extract of plant material such as coqui, alcohol (3.7 per cent), sugar, and water.